

### **REMARKS/ARGUMENTS**

Prior to the entry of this Amendment, claims 1-12 and 16-32 were pending in this application. Claims 10, 16, 20, and 25 have been amended, no claims have been added, and no claims have been canceled herein. Therefore, claims 1-12 and 16-32 remain pending in this application. The Applicant respectfully requests reconsideration of these claims for at least the reasons presented below.

#### **35 U.S.C. § 101 Rejections, Non-statutory matter**

The Office Action has rejected claims 10-12 and 16-24 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. More specifically, the Office Action argues that claims 10-12 and 16-24 recite method directed to purely mental steps. Amendments have been made herein that are thought to overcome the reasons for the rejection. Specifically, independent claims 10, 16, and 20 upon which claims 11, 12, 17-19, and 21-24 depend, have been amended to recite a database and/or a computer processor. These amendments are thought to provide the recitation of a particular apparatus. The Applicants also notes that claims 10-12 and 16-24 now conform with the test recently established by the Court of Appeals for the Federal Circuit in In re Bilski, \_\_\_ F.3d \_\_\_ (Fed. Cir. October 30, 2008) (“A claimed process is surely patent-eligible under §101 if: (1) it is tied to a particular machine or apparatus or (2) it transforms a particular article into a different state or thing.”). In claims 10-12 and 16-24, the process is tied to a database and/or computer processor which are particular machines or apparatuses. Therefore, the Applicants respectfully request withdrawal of the rejection.

#### **35 U.S.C. § 103 Rejection, Templeton in view of Deaton**

The Office Action rejected claims 1-12 and 16-32 under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent Pub. No. 2003/0130919 of Templeton et al. (hereinafter “Templeton”) in view of U.S. Patent Pub. No. 2002/0073019 of Deaton (hereinafter “Deaton”). The Applicants respectfully submit that the Office Action does not establish a *prima facie* case

of obviousness in rejecting these claims, as amended. Therefore, the Applicants request reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, all claimed limitations must first be taught or suggested by the prior art. *See, e.g., DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006). The Office Action must then provide an explicit analysis supporting the rejection. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (“a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art”). While the Office Action can use one of several exemplary rationales from the MPEP to support an obviousness rejection under *KSR*, all the rationales still require the Office Action to demonstrate that all the claim elements are shown in the prior art. *See* MPEP §2143. As will be discussed below, the references cited by the Office Action do not teach or suggest each claimed limitation. For example, none of the references, alone or in combination, teach or suggest determining a risk score for a transaction based at least in part on geographic information about an issuer of a check.

Templeton is directed to “evaluating risks associated with financial transactions.” (paragraph 4) However, as noted by the Office Action, “stor[ing] geographic-related information about employers” or “scor[ing] risk associated with accepting a payroll check issued by an employer to an employee and presented to a check-cashing entity for cashing.” (Office Action page 4, lines 1-4) That is, the Office Action seems to agree with the Applicants that Templeton does not teach or suggest determining a risk score for a transaction based at least in part on geographic information about an issuer of a check.

Deaton is directed to “a method and system for processing and developing a local customer database of customer information, such as check verification status and transaction frequency and dollar volume over specified intervals, that can be used for check verification, marketing and other customer relations purposes.” (paragraph 1) However, Deaton does not

teach or suggest, alone or in combination with Templeton, determining a risk score for a transaction based at least in part on geographic information about an issuer of a check. Rather, the Applicants note that the portions of Deaton cited by the Office Action are directed to information about the customer, not the issuer of the check. Therefore, to any extent that the check verification described by Deaton may be considered to teach scoring risk, such a verification seems to be based on information about the customer rather than the issuer of the check.

Claim 1, upon which claims 2-4 depend, recites in part “a database that stores geographic-related information about employers; and a computer processor configured to receive information about a payroll check issued by an employer to an employee and presented to a check-cashing entity for cashing, the computer processor further configured to determine a risk score associated with accepting the check, the risk score being based at least in part on information from the database indicative of the proximity of the employer to the check-cashing entity.” Neither Templeton nor Deaton, alone or in combination, teaches or suggest determining a risk score associated with accepting a check, the risk score being based at least in part on information indicative of the proximity of the employer to the check-cashing entity. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 1-4.

Claim 5, upon which claims 6-9 depend, recites in part “a database that stores geographic-related information about check issuers; and a computer processor configured to receive information about a check issued by a check issuer to a second party and presented to a check-cashing entity for cashing, the computer processor further configured to determine a risk score associated with accepting the check, the risk score being based at least in part on geographic-related information from the database associated with the check issuer.” Neither Templeton nor Deaton, alone or in combination, teaches or suggest determining a risk score associated with accepting a check, the risk score being based at least in part on geographic-

related information associated with the check issuer. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 5-9.

Claim 10, upon which claims 11 and 12 depend, recites in part “determining with the computer processor a risk score associated with the check transaction, based at least in part on the geographic-related information associated with the check issuer.” Neither Templeton nor Deaton, alone or in combination, teaches or suggest determining a risk score associated with a check transaction based at least in part on geographic-related information associated with the check issuer. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 10-12.

Similarly, claim 16, upon which claims 17-19 depend, recites in part “determining by the computer processor a risk score associated with the proposed financial transaction based at least in part on the geographic-related information about the issuer.” Neither Templeton nor Deaton, alone or in combination, teaches or suggest determining a risk score associated with a proposed financial transaction based at least in part on geographic-related information about the issuer. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 16-19.

Claim 20, upon which claims 21-24 depend, recites in part “obtaining by a computer processor geographic information about an issuer of a check issued to a second party and presented to an entity by a check presenter; comparing by the computer processor the geographic information with data about the location of the entity; determining by the computer processor a risk score based at least in part on the comparison; and determining by the computer processor whether to authorize the payment of the check based at least in part on the risk score.” Neither Templeton nor Deaton, alone or in combination, teaches or suggest determining a risk score based at least in part on a comparison of geographic information about an issuer of a check with data about the location of the entity to which the check is presented. For at least these

reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 20-24.

Claim 25 recites in part “a database of information about check issuer locations; and a computer processor configured to obtain data about an issuer of a check issued to a second party and presented at a check-cashing entity in association with a proposed check transaction, the computer processor further configured to use the data about the check issuer to access information stored in the database to determine a risk score based at least in part on the accessed information, and to determine based at least in part on the risk score whether to authorize the proposed check transaction.” Neither Templeton nor Deaton, alone or in combination, teaches or suggest determining a risk score based at least in part on information about check issuer locations. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claim 25.

Claim 26, upon which claims 27-32 depend, recites in part “means for determining a risk score associated with the check-cashing transaction, based at least in part on the geographic-related information associated with the check issuer.” Neither Templeton nor Deaton, alone or in combination, teaches or suggest determining a risk score associated with a check-cashing transaction based at least in part on geographic-related information associated with a check issuer. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 26-32.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Respectfully submitted,

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